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11
12 **UNITED STATES BANKRUPTCY COURT**
13 **EASTERN DISTRICT OF CALIFORNIA**
14 **SACRAMENTO DIVISION**

15 In re Case No.: 11-35255-C-11

16 FAIRWAY COMMONS II, LLC,

17 DCN: HMM-001

18 Debtor and Debtor-in-possession.

19 Chapter 11

20
21 **DECLARATION OF NORMAN A.**
22 **CHERNIN IN SUPPORT OF**
23 **EMERGENCY MOTION FOR RELIEF**
24 **FROM STAY TO ISSUE AND**
25 **RECORD TRUSTEE'S DEED UPON**
26 **SALE**

27 Date: June 28, 2011

28 Time: 11:00 a.m.

29 Place: Courtroom No. 35, 6th Floor _____

30 Hon. Christopher M. Klein

31
32 I, Norman A. Chernin, declare as follows:

33
34 1. I am Vice President and Special Title Counsel for First American Title
35 Insurance Company ("First American"). The facts contained herein are true based upon
36 my personal knowledge, and if called as a witness in this case, I could and would testify
37 competently to the truth thereof.

BRYAN CAVE LLP
3161 MICHELSON DRIVE, SUITE 1500
IRVINE, CALIFORNIA 92612-4414

1 2. I have access to the books and records of First American pertaining to the
2 foreclosure of the subject loan pursuant to which the debtor, Fairway Commons II, LLC
3 (the "Debtor") is the borrower, and I am familiar with the transactions reflected thereby. I
4 make this Declaration, in part, based upon the information contained in the business
5 records of First American. The records and other documents in the files of First American
6 constitute writings made in the regular and ordinary course of business, at or near the time
7 of the event, or act, of which they are a record.

8 3. First American is serving as trustee under the first priority amended and
9 restated deed of trust dated as of February 15, 2006 ("Deed of Trust"), which secures the
10 loan to the Debtor in the principal amount of \$46,100,000.00 and encumbers the real
11 property located at 10250 Fairway Drive, Roseville, California (the "Property"). The
12 beneficiary of the Deed of Trust is Roseville Portfolio MSCI 2006-HQ8 LLC, by
13 assignment (the "Roseville").

14 4. First American contracted with Priority Posting and Publishing ("PPP") to
15 conduct the foreclosure sale of the Property, which was noticed for 10:00 am on June 20,
16 2011.

17 5. First American was notified by email from PPP, a true and correct copy of
18 which is attached hereto as Exhibit "A," that the foreclosure sale of the Property was
19 completed at 10:14 a.m. am on June 20, 2011, and the Lender was the successful bidder.

20 6. Attached hereto as Exhibit "B" is the Certificate of Sale for the Property
21 which was received by First American on June 20, 2011.

22 7. I am informed and believe that this bankruptcy case was filed after the
23 completion of the foreclosure sale of the Property.

24 8. The Lender has requested that First American issue and record the trustee's
25 deed upon sale for the Property (the "Trustee's Deed"). First American requests that the
26 Court issue an order for relief from stay permitting First American to issue and record the
27 Trustee's Deed.

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1 I declare under the penalty of perjury under the laws of the United States of
2 America that the forgoing is true and correct and that this Declaration was executed this
3 24th day of June, 2011, at Los Angeles, California.

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5 NORMAN A. CHERNIN
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EXHIBIT A

From: Terri Elliott Sales Dept [terri@priorityposting.com]
Sent: Monday, June 20, 2011 10:18 AM
To: Bowditch, Arlene; Heath, Charlene; Erickson, Diane; Boyd, Kristina
Subject: Sale Results for TS# 10-25667

First American Title Ins. - Santa Ana
Re: Sale Results
Priority No.: 820617

Attn: Foreclosure Department
Your T.S. number 10-25667 reverted back to the beneficiary on 06/20/2011
in the county of Placer at 10:00AM

Sale Conducted at: 10:14AM

for the amount of \$ 5,500,000.00.

Should you have any questions, please feel free to contact our Sales Department at (800)570-3500

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EXHIBIT B

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PRIORITY POSTING AND PUBLISHING

17501 Irvine Blvd., Suite 1

Tustin, CA 92780

(714)573-7777 FAX (714)573-9547

TS Number: 10-25667

Priority Number: 820617

CERTIFICATE OF SALE

On 06/20/2011 at 10:00AM, the undersigned appeared at the location described in the Notice of Trustee Sale and conducted a Trustee's Sale as agent for First American Title Ins. - Santa Ana

At said sale, the property described in the Notice of Trustee Sale was sold to: Beneficiary for the sum of \$5,500,000.00.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

By: D - J -

(Dan Dawson)

Dated this 20th day of June, 2011

CUSTOMER First American Title Ins. - Santa Ana
ADDRESS 3 First American Way
NDTS Division - Building 3
Santa Ana, CA 92707

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